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SAH 10/24/98  
Godwin

PATENT APPLICATION  
SERIAL NO. 08/716,169  
Atty. Docket No. 470/961125

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 1644 :

In re application of :

STEPHEN MARK ANDERTON, :  
RUURD VAN DER ZEE and :  
WILLEM VAN EDEN :

Serial No. 08/716,169 :

Filed December 17, 1996 :

Examiner - P. Nolan :

PEPTIDE FRAGMENTS OF MICROBIAL  
STRESS PROTEINS AND  
PHARMACEUTICAL COMPOSITION  
MADE THEREOF FOR THE  
TREATMENT AND PREVENTION OF  
INFLAMMATORY DISEASES

Pittsburgh, Pennsylvania  
November 24, 1998

RECEIVED

DEC 03 1998

GROUP 1800

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to the requirements of 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants submit this Information Disclosure Statement which includes a completed Form PTO-1449, a Petition under 37 C.F.R. §1.97(d)(2) and corresponding fee, a copy of DE 39 42 728 and a WPI abstract thereof. The reference cited in the Form PTO-1449 was cited in an official action in corresponding European Patent Application No. 95912506.

The reference, DE 39 42 728, discloses a partial sequence of 13 amino acids of a 22kD surface protein of *Borrelia*

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*burgdorferi* which contains a five amino acid sequence (ATVLA) which corresponds to amino acids 91-95 of hsp65 (SEQ ID NO: 1).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on November 24, 1998.

Barbara E. Johnson, Registration No. 31,198  
(Name of Registered Representative)

Signature

11/24/98  
Date

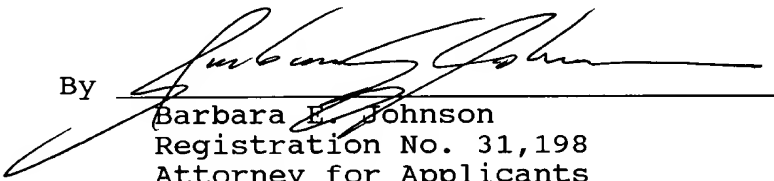
The amino acid sequence ATVLA has a probability of turning up once every 40,000 amino acids (as calculated based upon the average probability of each amino acid occurring in a given protein, see Lehninger et al., Principles of Biochemistry, second edition, p. 113, Worth Publishers, Inc. (1993), copy enclosed). Thus, it is not surprising that the 5-mer was found as part of a larger protein sequence. However, the recitation of a random sequence as part of a larger, unrelated protein (about 200 amino acids) is not a recitation of the claimed 5-30mer. Further, the random recitation of this sequence in an unrelated protein does not teach or suggest the peptides of the present invention. Therefore, Applicants do not believe that this reference is material to the patentability of the present claims.

Pursuant to 37 C.F.R. §1.97(d) and (e)(1), no fee is due for the submission of this Information Disclosure Statement. Applicants hereby certify that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

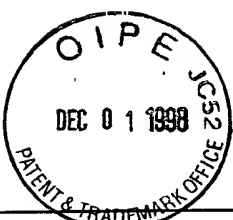
Respectfully submitted,

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By



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Sheet 1 of 1FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
470/961125SERIAL NO.  
08/716,169INFORMATION DISCLOSURE STATEMENT  
STATEMENT BY APPLICANTAPPLICANT(S)  
Stephen Mark ANDERTON et al.

(Use several sheets if necessary)

FILING DATE  
December 17, 1996GROUP  
Art Unit 1644

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

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**DEC 03 1998**  
**GROUP 1800**

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL	3 9 4 2 7 2 8	5/23/91	Germany	C07K	15/04		
	AM							
	AN							
	AO							
	AP							

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AQ	
	AR	
	AS	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.